



THOMAS J. VILSACK  
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

May 2, 2003

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**House File 171**, an act relating to nonsubstantive code corrections and including effective and retroactive applicability date provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 171

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING  
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 9H.1, subsection 25, paragraph a, Code 2003, is amended to read as follows:

a. Corporations organized under the provisions of chapter 504, Code 1989, or chapter 504A; or

Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended to read as follows:

33. "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa probate code as provided in chapter 633. Testamentary trust includes a revocable trust that has not been revoked prior to the grantor's death.

Sec. 3. Section 9H.4, subsection 2, paragraph c, subparagraph (1), Code 2003, is amended to read as follows:

(1) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this paragraph, if the corporation or limited liability company has ever entered into another lease under this paragraph "c", whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or chapter 504A.

Sec. 4. Section 9H.4, subsection 2, paragraph c, subparagraph (4), Code 2003, is amended to read as follows:

(4) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or chapter 504A.

Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended to read as follows:

3. Agricultural land, including leasehold interests, acquired by a nonprofit corporation organized under the provisions of chapters 504, Code 1989, and 504A including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.

Sec. 6. Section 10B.1, subsection 9, paragraph a, Code 2003, is amended to read as follows:

a. A corporation organized under the provisions of ~~former~~ chapter 504, Code 1989, or chapter 504A.

Sec. 7. Section 15E.11, Code 2003, is amended to read as follows:

15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.

The Iowa development commission is hereby authorized to form a corporation under the provisions of ~~former~~ chapter 504, Code 1989, for the purpose of receiving and disbursing funds from public or private sources to be used to further the overall development and well-being of the state.

Sec. 8. Section 15E.42, subsection 2, Code 2003, is amended to read as follows:

2. "Board" means the Iowa capital investment board, ~~if created in House File 2078 as enacted by the Seventy-ninth General Assembly~~ created in section 15E.63.

Sec. 9. Section 15E.111, subsection 8, Code 2003, is amended to read as follows:

8. The department of economic development and the office of renewable fuels and coproducts shall prepare a report each six months detailing the progress of the department and other agencies provided in this section. The office of renewable fuels and coproducts, the department of natural resources, and Iowa state university may contribute a summary of their activities. The report shall be delivered to the secretary of the senate and the chief clerk of the house; the legislative service bureau; the chairpersons and ranking members of the senate standing committee on agriculture; the senate standing committee on ~~small-business, economic development, and tourism~~ growth; the house of representatives standing committee on agriculture; and the house of representatives standing committee on economic development growth.

Sec. 10. Section 18.80, Code 2003, is amended to read as follows:

18.80 RESERVE SUPPLY.

The superintendent state printing administrator shall designate, subject to the approval of the director, the number of copies of reports and publications to be held in reserve, and copies thus held in reserve shall be distributed only upon the written request of the head of the department, approved by the superintendent state printing administrator, and ordered by the director.

Sec. 11. Section 18.81, Code 2003, is amended to read as follows:

18.81 UNUSED DOCUMENTS.

The superintendent state printing administrator shall from time to time report to the director any documents in the superintendent's state printing administrator's custody deemed not needed and which have been printed five years or more, and if the report has the written approval of the head of the department from which the documents were issued, the director may condemn and order the documents sold, and the proceeds turned into the unappropriated funds of the state. If a department no longer exists, approval by the head of the department shall not be required. If the condemned documents cannot be sold the director may order them destroyed.

Sec. 12. Section 18.83, Code 2003, is amended to read as follows:

18.83 INFORMATION AS TO DOCUMENTS.

The superintendent state printing administrator shall advise the public of the publication of reports and documents and of the nature of the material therein, and give information as to the publications that are available for distribution and how to obtain them.

Sec. 13. Section 18.84, Code 2003, is amended to read as follows:

18.84 MAILING LISTS.

The superintendent state printing administrator shall require from officials or heads of departments mailing lists, or addressed labels or envelopes, for use in distribution of reports and documents. The superintendent state printing administrator shall revise such lists, eliminating duplications and adding to the lists libraries, institutions, public officials, and persons having actual use for the material. The superintendent state printing administrator shall arrange the lists so as to reduce to the minimum the postage or other cost for delivery. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator from the requesting agency or department.

Sec. 14. Section 18.85, Code 2003, is amended to read as follows:

18.85 COPIES TO DEPARTMENTS.

The superintendent state printing administrator shall furnish the various officials and departments with copies of their reports needed for office use or to be distributed to persons requesting the reports. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 15. Section 18.86, Code 2003, is amended to read as follows:

18.86 ASSEMBLY MEMBERS.

The official reports, the miscellaneous documents and other publications upon request, and the completed journals of the general assembly and ten copies of the official register, shall be sent to each member of the general assembly, and, so far as they are available, additional copies upon their request. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 16. Section 18.88, Code 2003, is amended to read as follows:

18.88 NEWSPAPERS.

The journals of the general assembly and the official register shall be sent to each newspaper of general circulation in Iowa, and editors of newspapers in Iowa shall be entitled to other publications on request when they are available. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 17. Section 18.92, Code 2003, is amended to read as follows:

18.92 GENERAL DISTRIBUTION.

The superintendent state printing administrator may send additional copies of publications to other state officials, individuals, institutions, libraries, or societies that may request them. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 18. Section 18.102, Code 2003, is amended to read as follows:

18.102 INDEX TO BILLS.

The secretary of the senate and the chief clerk of the house shall throughout each legislative session compile and cause to be printed a cumulative bulletin of bills and joint resolutions which bulletin shall contain a brief history of each bill, and detailed information as to the status of legislation and shall be conveniently indexed. The bulletin shall be printed and delivered one day before the ~~mid-term~~ midterm recess of each legislature and thereafter twenty-five days after the end of ~~said~~ the recess except as may otherwise be provided by the joint rules of the general assembly. The last issue of each bulletin shall be brought down to the time of final adjournment and shall be promptly furnished to all members of the general assembly and to such others as the superintendent state printing administrator may determine.

Sec. 19. Section 18.103, Code 2003, is amended to read as follows:

18.103 ENROLLING CLERKS TO KEEP RECORDS.

The enrolling clerks of the senate and house shall, under the directions of the secretary of the senate and chief clerk of the house, respectively, keep a daily cumulative record of the information required in section 18.102 and in such manner that the same may be promptly furnished to the superintendent state printing administrator at the close of each week.

Sec. 20. Section 29A.90, subsection 3, Code 2003, is amended to read as follows:

3. "Military service" means full-time active state service or state active duty, as defined in section 29A.1, for a period of at least ninety consecutive days, commencing on or after ~~the effective date of this division of this Act~~ April 22, 2002.

Sec. 21. Section 68B.39, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The supreme court of this state shall prescribe rules by ~~January 17, 1993~~, establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this paragraph shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

Sec. 22. Section 70A.23, Code 2003, is amended to read as follows:

70A.23 CREDIT FOR ACCRUED SICK LEAVE.

When a state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. When an employee retires, is eligible, and has applied for benefits under a retirement system authorized under chapter 97A or 97B, including the teachers insurance and annuity ~~association (TIAA)~~ association-college retirement equities fund ~~(TIAA-CREF)~~ (TIAA-CREF), or an employee dies on or after July 1, 1984, while the employee is in active employment but is eligible for retirement benefits under one of the listed

chapters, the employee shall receive a cash payment for the employee's accumulated, unused sick leave in both the active and banked sick leave accounts, except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter 20. An employee of the department of public safety or the department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premium earned while covered by the agreement. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payments for accumulated, unused sick leave shall not exceed two thousand dollars per employee and are payable upon retirement or death. Banked sick leave is defined as accrued sick leave in excess of ninety days.

Sec. 23. Section 70A.30, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The phased retirement incentive program is a retirement system for purposes of section 20.9, but is not retirement for purposes of chapter 97A, 97B, or 602 or for the employees who are members of the teachers insurance annuity association-college retirement ~~equity~~ equities fund (TIAA-CREF).

Sec. 24. Section 80.17, subsection 3, Code 2003, is amended to read as follows:

3. Division of criminal investigation ~~and-bureau-of~~ identification.

Sec. 25. Section 80A.4, subsection 4, Code 2003, is amended to read as follows:

4. The fingerprints required by subsection 1 may be submitted by the department to the federal bureau of investigation through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 26. Section 80A.7, subsection 5, Code 2003, is amended to read as follows:



5. An application for an identification card shall include the submission of fingerprints of the person seeking the identification card, which fingerprints may be submitted to the federal bureau of investigation through the state ~~central~~ criminal history repository for the purpose of a national criminal history ~~background~~ check. Fees associated with the processing of fingerprints shall be assessed to the employing licensee.

Sec. 27. Section 97B.66, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A vested or retired member who was a member of the teachers insurance and annuity ~~association-college~~ association-college retirement ~~equity~~ equities fund (TIAA-CREF) at any time between July 1, 1967, and June 30, 1971, and who became a member of the system on July 1, 1971, upon submitting verification of service and wages earned during the applicable period of service under the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund, may make employer and employee contributions to the system based upon the covered wages of the member and the covered wages and the contribution rates in effect for all or a portion of that period of service and receive credit for membership service under this system equivalent to the applicable period of membership service in the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund for which the contributions have been made. In addition, a member making employer and employee contributions because of membership in the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund under this section who was a member of the system on June 30, 1967, and withdrew the member's accumulated contributions because of membership on July 1, 1967, in the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund, may make employee contributions to the system for all or a portion of the period of service under the system prior to July 1, 1967. A member making contributions pursuant to this section may make the contributions either for the entire applicable period of service, or for portions of the period of service, and if contributions are made for portions of the period of service,

the contributions shall be in increments of one or more calendar quarters.

Sec. 28. Section 97B.73, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A vested or retired member who has one or more full calendar years of covered wages who was in public employment comparable to employment covered under this chapter in another state or in the federal government, or who was a member of another public retirement system in this state, including but not limited to the teachers insurance and annuity ~~association~~ college association-college retirement equities fund (TIAA-CREF), but who was not retired under that system, upon submitting verification of membership and service in the other public system to the division, including proof that the member has no further claim upon a retirement benefit from that other public system, may make contributions as provided by this section to the system either for the entire period of service in the other public system, or for partial service in the other public system in increments of one or more calendar quarters. If the member wishes to transfer only a portion of the service value of another public system to this system and the other public system allows a partial withdrawal of a member's system credits, the member shall receive credit for membership service in this system equivalent to the period of service transferred from the other public system.

Sec. 29. Section 99D.8A, subsection 2, Code 2003, is amended to read as follows:

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms. The fingerprints may be submitted to the federal bureau of investigation by the department of public safety through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 30. Section 99E.3, subsection 3, Code 2003, is amended to read as follows:

3. The commissioner may employ, with the approval of the director, clerks, stenographers, inspectors, agents, and other employees pursuant to chapter 19A as necessary to carry out this chapter, except as provided in section 99E.14. The

commissioner may require a background investigation to be conducted in connection with the employment of lottery employees. The board shall define, by rule, the employment categories subject to investigation. The background investigation by the division of criminal investigation of the department of public safety may include a national criminal history ~~record~~ check through the federal bureau of investigation. The screening of lottery employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history ~~record~~ repository to the federal bureau of investigation.

Sec. 31. Section 99E.9, subsection 2, Code 2003, is amended to read as follows:

2. Subject to the approval of the board, the commissioner may enter into contracts for the operation and marketing of the lottery, except that the board may by rule designate classes of contracts other than major procurements which do not require prior approval by the board. A major procurement shall be as the result of competitive bidding with the contract being awarded to the responsible vendor submitting the lowest and best proposal. However, before a contract for a major procurement is awarded, the division of criminal investigation of the department of public safety shall conduct a thorough background investigation of the vendor to whom the contract is to be awarded. The commissioner and board shall consult with the division of criminal investigation and shall provide, by rule, for the scope of the thorough background investigations and due diligence with regard to the background investigations to be conducted in connection with major procurements. The vendor shall submit to the division of criminal investigation appropriate investigation authorizations to facilitate this investigation. The background investigation by the division of criminal investigation may include a national criminal history record check through the federal bureau of investigation. The screening of vendors or their employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history ~~record~~ repository to the federal bureau of investigation. As used in this subsection, "major procurement" means consulting

agreements and the major procurement contract with a business organization for the printing of tickets, or for purchase or lease of equipment or services essential to the operation of a lottery game.

Sec. 32. Section 99F.6, subsection 2, Code 2003, is amended to read as follows:

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms. The fingerprints may be submitted to the federal bureau of investigation by the department of public safety through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 33. Section 103A.25, Code 2003, is amended to read as follows:

103A.25 PRIOR RESOLUTIONS.

A resolution accepting the state building code as provided in section 103A.7, which was adopted before ~~the effective date of this Act~~ July 1, 1989, is an ordinance for the purpose of this chapter.

Sec. 34. Section 135.78, Code 2003, is amended to read as follows:

135.78 DATA TO BE COMPILED.

The department shall compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. In collection of the data required by this section and sections 135.74 to 135.78 through 135.76, the department and other state agencies shall coordinate their reporting requirements.

Sec. 35. Section 141A.7, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. The performance by a health care provider or health facility of an HIV-related test when the health care provider or health facility procures, processes, distributes, or uses a human body part donated for a purpose specified under the uniform anatomical gift Act as provided in chapter 142C, or semen provided prior to July 1, 1988, for the purpose of artificial insemination, or donations of blood, and such test is necessary to ensure medical acceptability of such gift or semen for the purposes intended.

Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This section shall not apply to bodies given under authority of the uniform anatomical gift Act as provided in chapter 142C.

Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This section shall not apply to bodies given under authority of the uniform anatomical gift Act as provided in chapter 142C.

Sec. 38. Section 142C.6, subsection 2, Code 2003, is amended to read as follows:

2. If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after the death of the donor. The document of gift, or a copy, may be deposited in any hospital, organ procurement organization, bank or storage organization, or donor registry office that accepts the document of gift for safekeeping or for the facilitation of procedures after the death of the donor. If a document is deposited by a donor in a hospital, donor registry office, or bank or storage organization, the hospital, donor registry office, or bank or storage organization may forward the document to an organ procurement organization which will retain the document for facilitating procedures following the death of the donor. Upon request of a hospital, physician, or surgeon, upon or after the donor's death, the person in possession of the document of gift may allow the hospital, physician, or surgeon to examine or copy the document of gift.

Sec. 39. Section 147.107, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the ~~boards~~ state board of pharmacy examiners, medicine, dentistry, the state board of medical examiners, the state board of dental examiners, and the state board of podiatry examiners for their respective licensees.

Sec. 40. Section 161B.1, subsection 2, Code 2003, is amended to read as follows:

2. The department of agriculture and land stewardship shall report annually to the senate standing committees committee on energy natural resources and environment and the house of representatives standing committee on environmental protection ~~of-the-house-and-senate~~ on the projects conducted with the agricultural energy management fund.

Sec. 41. Section 163.30, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When used in this ~~chapter~~ subchapter:

Sec. 42. Section 172D.3, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the federal Water Pollution Control Act, Title 33, United States Code, chapter 126, as amended, and 40 ~~Code-of-Federal-Regulations~~ C.F.R. ~~Part~~ pt. 124.

Sec. 43. Section 190C.1, subsection 18, Code 2003, is amended to read as follows:

18. "Regional organic association" means a corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A which has certifying members, elects its own officers and directors, and is independent from the department.

Sec. 44. Section 230A.12, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Each community mental health center established or continued in operation pursuant to section 230A.3, shall be organized under the Iowa nonprofit corporation Act appearing as chapter 504A, except that a community mental health center organized under former chapter 504 prior to July 1, 1974, and existing under the provisions of chapter 504, Code 1989, shall not be required by this chapter to adopt the Iowa nonprofit corporation Act if it is not otherwise required to do so by law. The board of directors of each such community mental health center shall enter into an agreement with the county or affiliated counties which are to be served by the center, which agreement shall include but need not be limited to the period of time for which the agreement is to be in force, what services the center is to provide for residents of the county or counties to be served, standards the center is to follow in determining whether and to what extent persons seeking services from the center shall be considered able to pay the cost of the services received, and policies regarding availability of the center's services to persons who are not residents of the county or counties served by the center. The board of directors, in addition to exercising the powers of the board of directors of a nonprofit corporation may:

Sec. 45. Section 256A.3, subsection 11, Code 2003, is amended by striking the subsection.

Sec. 46. Section 260C.14, subsection 1, Code 2003, is amended to read as follows:

1. Determine the curriculum to be offered in such school or college subject to approval of the director and ensure that all vocational offerings are competency-based, provide any minimum competencies required by the department of education, comply with any applicable requirements in chapter 258, and are articulated with local school district vocational

education programs. If an existing private educational or vocational institution within the merged area has facilities and curriculum of adequate size and quality which would duplicate the functions of the area school, the board of directors shall discuss with the institution the possibility of entering into contracts to have the existing institution offer facilities and curriculum to students of the merged area. The board of directors shall consider any proposals submitted by the private institution for providing such facilities and curriculum. The board of directors may enter into such contracts. In approving curriculum, the director shall ascertain that all courses and programs submitted for approval are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining whether duplication would actually exist, the ~~state-board~~ director shall consider the needs of the area and consider whether the proposed programs are competitive as to size, quality, tuition, purposes, and area coverage with existing public and private educational or vocational institutions within the merged area. If the board of directors of the merged area chooses not to enter into contracts with private institutions under this subsection, the board shall submit a list of reasons why contracts to avoid duplication were not entered into and an economic impact statement relating to the board's decision.

Sec. 47. Section 261.23, subsection 4, Code 2003, is amended to read as follows:

4. A registered nurse shall be eligible for the registered nurse loan repayment program if the registered nurse has received from an accredited school of nursing located in this state a collegiate or associate degree of nursing, a diploma in nursing, or a graduate or equivalent degree in nursing and agrees to practice in an eligible community in this state that has agreed to provide additional funds for the registered nurse's loan repayment. The contract for the loan repayment shall stipulate the time period the registered nurse shall practice in an eligible community in this state. In addition, the contract shall stipulate that the registered nurse repay any funds paid on the registered nurse's loan by the



commission if the registered nurse fails to practice in an eligible community in this state for the required period of time. For purposes of this subsection, "eligible community" means a community that agrees to match state funds provided on at least a dollar-for-dollar basis for the loan repayment of a registered nurse who practices in the community.

Sec. 48. Section 272.2, subsection 14, paragraph a, Code 2003, is amended to read as follows:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of a crime or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed by or criminal convictions by of the person involved.

Sec. 49. Section 284.3, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. By July 1, 2002, for purposes of comprehensive evaluations for beginning teachers required to allow beginning teachers to progress to career teachers, standards and criteria that are the Iowa teaching standards specified in subsection 1 and the model criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance

with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the model criteria adopted by the state board of education in accordance with subsection 3, ~~as-enacted-by-this Act,~~ and any additional training required under rules adopted by the public employment relations board in cooperation with the state board of education.

Sec. 50. Section 284.11, subsections 4, 5, and 7, Code 2003, are amended to read as follows:

4. Each participating district shall create its own design for a team-based variable pay plan linked to the district's comprehensive school improvement plan. The plan must include attendance center student performance goals, student performance levels, multiple indicators to determine progress toward attendance center goals, and a system for providing financial rewards. The team-based variable pay plan shall be approved by the local board.

5. Each district team-based variable pay plan shall be reviewed by the department. The department shall include a review of the locally established goals, targeted levels of improvement, assessment strategies, and financial reward system.

7. The district team-based variable pay plan shall specify how the funding received by the district for purposes of this section is to be awarded to eligible staff in attendance centers that meet or exceed their goals. The district shall provide all attendance centers equal access to the available funds. Moneys shall be released by the department to the district only upon certification by the school board that an attendance center has met or exceeded its goals.

Sec. 51. Section 303A.6, subsection 3, Code 2003, is amended to read as follows:

3. Upon approving a grant, the board shall certify to the treasurer of state the amount of financial assistance payable from the ~~trust~~ grant account to the qualified organization whose grant application is approved.

Sec. 52. Section 304A.21, subsection 5, Code 2003, is amended to read as follows:

5. "Nonprofit organization" means a corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A or which holds a permit or certificate under ~~former~~ chapter 504, Code 1989, or chapter 504A to do business or conduct affairs in this state.

Sec. 53. Section 307.27, subsection 8, Code 2003, is amended to read as follows:

8. Administer the registration of interstate ~~commeree~~ ~~commission~~ authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. § 14504 and United States department of transportation regulations.

Sec. 54. Section 308.1, Code 2003, is amended to read as follows:

308.1 PLANNING COMMISSION.

The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the natural resource commission, one member from the ~~Iowa~~ state soil conservation ~~commission~~ committee, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa State University of science and technology, one member from the Iowa economic development board, and one member from the environmental protection commission. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 55. Section 321.178, subsection 1, paragraph c, Code 2003, is amended to read as follows:

c. Instruction relating to becoming an organ donor under the uniform anatomical gift Act as provided in chapter 142C.

Sec. 56. Section 321.189, subsection 4, Code 2003, is amended to read as follows:

4. SYMBOLS. Upon the request of a licensee, the department shall indicate on the license the presence of a

medical condition, that the licensee is a donor under the uniform anatomical gift ~~law~~ Act as provided in chapter 142C, or that the licensee has in effect a medical advance directive. For purposes of this subsection, a medical advance directive includes, but is not limited to, a valid durable power of attorney for health care as defined in section 144B.1. The license may contain such other information as the department may require by rule.

Sec. 57. Section 327B.1, subsections 1 through 3, Code 2003, are amended to read as follows:

1. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the ~~interstate-commerce-commission~~ United States department of transportation or evidence that such authority is not required with the state department of transportation.

2. The department shall participate in the single state insurance registration program for regulated motor carriers as provided in 49 U.S.C. § ~~11506~~ 14504 and ~~interstate-commerce commission~~ United States department of transportation regulations.

3. Registration for carriers transporting commodities exempt from ~~interstate-commerce-commission~~ United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.

Sec. 58. Section 327B.7, Code 2003, is amended to read as follows:

327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE REGISTRATION SYSTEM.

The department may enter into a reciprocity agreement on behalf of this state with authorized representatives of other states to become a member of an exempt commodity base state registration system for the registration, insurance verification, and fee collection for carriers hauling commodities exempt from ~~interstate-commerce-commission~~ United States department of transportation authority.

Sec. 59. Section 327C.22, Code 2003, is amended to read as follows:

327C.22 INTERSTATE FREIGHT RATES.

The department shall exercise constant diligence to ascertain the rates, charges, rules, and practices of common carriers operating in this state, in relation to the transportation of freight in interstate business. When it shall ascertain from any source or have reasonable grounds to believe that the rates charged on such interstate business or the rules or practices in relation thereto discriminate unjustly against any of the citizens, industries, interests, or localities of the state, or place any of them at an unreasonable disadvantage as compared with those of other states, or are in violation of the laws of the United States regulating commerce, or in conflict with the rulings, orders, or regulations of the ~~interstate-commerce-commission~~ surface transportation board, the department shall take the necessary steps to prevent the continuance of such rates, rules, or practices.

Sec. 60. Section 327C.23, Code 2003, is amended to read as follows:

327C.23 APPLICATION TO ~~INTERSTATE-COMMERCE-COMMISSION~~ SURFACE TRANSPORTATION BOARD.

When any common carrier has put in force any rates, rules, or practices in relation to interstate freight business, in violation of the laws of the United States regulating commerce, or of the orders, rules, or regulations of the ~~interstate-commerce-commission~~ surface transportation board, or shall unjustly discriminate against any of the citizens, industries, interests, or localities of the state, the department shall present the material facts involved in such violations or discrimination to the ~~interstate-commerce-commission~~ surface transportation board and seek relief therefrom, and, if deemed necessary or expedient, the department shall prosecute any charge growing out of such violation or discrimination, at the expense of the state, before the ~~interstate-commerce-commission~~ surface transportation board.

Sec. 61. Section 327D.67, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The form of every schedule shall be prescribed by the department and shall conform, in the case of common carriers, as nearly as may be to the form prescribed by the ~~interstate~~

~~commerce-commission~~ United States department of transportation.

Sec. 62. Section 327D.72, Code 2003, is amended to read as follows:

327D.72 INTERSTATE COMMERCE SCHEDULES.

When schedules and classifications required by the ~~interstate-commerce-commission~~ United States department of transportation contain in whole or in part the information required by the provisions of this chapter, the posting and filing of a copy of such schedules and classifications with the ~~interstate-commerce-commission~~ United States department of transportation shall be deemed a compliance with the filing requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted and filed in a supplementary schedule.

Sec. 63. Section 327D.200, Code 2003, is amended to read as follows:

327D.200 INCONSISTENCY WITH FEDERAL LAW -- RAILROADS.

If any provision of this chapter is inconsistent or conflicts with federal laws, rules or regulations applicable to railway corporations subject to the jurisdiction of the ~~federal-interstate-commerce-commission~~ surface transportation board, the department shall suspend the provision, but only to the extent necessary to eliminate the inconsistency or conflict.

Sec. 64. Section 327D.201, Code 2003, is amended to read as follows:

327D.201 RAILROAD INTRASTATE RATES -- RULES.

The department may issue rules relating to the regulation of railroad intrastate rates, classifications, rules and practices in accordance with the standards and procedures of the ~~federal-interstate-commerce-commission~~ surface transportation board applicable to rail carriers.

Sec. 65. Section 327G.61, subsection 2, Code 2003, is amended to read as follows:

2. "Spur track" means a railroad track located wholly within the state connected to a main or branch line of a railroad and used to originate or terminate traffic at one or more industries or a railroad track not subject to the

jurisdiction of the ~~interstate-commerce-commission~~ surface transportation board. A spur track shall not include a railroad line used to provide line-haul or intercity transportation.

Sec. 66. Section 327G.78, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Subject to sections 327G.77 and 6A.16, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the ~~interstate-commerce-commission~~ surface transportation board, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

Sec. 67. Section 331.427, subsection 2, paragraph k, Code 2003, is amended to read as follows:

k. For the use of a nonprofit historical society organized under chapter 504, Code 1989, or chapter 504A, a city-owned historical project, or both.

Sec. 68. Section 331.652, subsection 8, paragraph d, Code 2003, is amended to read as follows:

d. ~~Civil~~ A civil process ~~servers~~ server shall not be considered to be a sheriff or a deputy sheriff for purposes of this chapter or chapter 97B or 341A.

Sec. 69. Section 335.24, Code 2003, is amended to read as follows:

335.24 CONFLICT WITH OTHER REGULATIONS.

If the regulations made under this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or requires a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the regulations made under this chapter, the other statute or local ordinance or regulation governs. If a regulation proposed or made under this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the department of ~~water,-air-and-waste-management~~ natural resources is required to establish, amend, supplement, change, or modify the regulation or to grant any variation or exception from the regulation.

Sec. 70. Section 384.63, subsection 3, Code 2003, is amended to read as follows:

3. When a private improvement is constructed on a lot subject to a deficiency, during the period of amortization, the council shall, by resolution, assess a pro rata portion of the deficiency on that lot, in the same proportion to the total deficiency on that lot as the number of future installments of special assessments remaining to be paid is to the total number of installments of assessments for the project, subject to the twenty-five percent limitation of section 384.62. A deficiency assessment becomes a lien on the



property and is payable in the same manner, and subject to the same interests as the other special assessments. The council shall direct the clerk to certify a deficiency assessment to the county treasurer, and to send a notice of the deficiency assessment by mail to each owner, as provided in section 384.60, ~~subsection-5,~~ but publication of the notice is not required.

Sec. 71. Section 421B.11, unnumbered paragraph 3, Code 2003, is amended to read as follows:

Judicial review of the actions of the director may be sought in accordance with ~~the-terms-of-the-Iowa-administrative-procedure-Act~~ chapter 17A, and section 422.55.

Sec. 72. Section 426B.1, subsection 2, Code 2003, is amended to read as follows:

2. There is appropriated on July 1 of each fiscal year to the property tax relief fund ~~for-the-indicated-fiscal-years~~ from the general fund of the state ~~the-following-amounts:~~

~~For-the-fiscal-year-beginning-July-1, 1997, and succeeding fiscal-years,~~ ninety-five million dollars.

Sec. 73. Section 432.1, subsection 5, Code 2003, is amended to read as follows:

5. Except as provided in subsection ~~4~~ 6, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The commissioner may suspend or revoke the license of a company or association that fails to pay its premium tax on or before the due date.

Sec. 74. Section 435.26, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11.

Sec. 75. Section 455B.484, subsections 2 and 3, Code 2003, are amended to read as follows:

2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management assistance

trust fund to be used for programs relating to the duties of the department under this part.

3. Administer and coordinate the ~~land-quality-and~~ waste management assistance trust fund created under this part.

Sec. 76. Section 455B.488, Code 2003, is amended to read as follows:

455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSITION.

The ~~division~~ department shall develop, sponsor, and assist in conducting local, regional, or statewide programs for the receipt or collection and proper management of hazardous wastes from households and farms. In conducting such events the ~~division~~ department may establish limits on the types and amounts of wastes that will be collected, and may establish a fee system for acceptance of wastes in quantities exceeding the limits established pursuant to this section.

Sec. 77. Section 455B.518, subsection 4, Code 2003, is amended to read as follows:

4. A toxics pollution prevention plan developed under this section shall be reviewed by the ~~authority~~ department for completeness, adequacy, and accuracy.

Sec. 78. Section 455H.208, Code 2003, is amended to read as follows:

455H.208 PUBLIC PARTICIPATION.

Public participation shall be a required component of the process for participants for all sites enrolled in the land recycling program. The required level of public participation shall vary depending on the conditions existing at a site. At a minimum, the department shall notify all adjacent property owners, occupants of adjacent property, and the city or county in which the property is located of a site's enrollment in the land recycling program and of the scope of work described in the participation agreement, and give the notified parties the opportunity to obtain updates regarding the status of activities relating to the enrolled site in the land recycling program. The notification shall not be required before the participant has had the opportunity to collect basic information characterizing the nature and extent of the contamination, but the notification shall be required in a timely manner allowing appropriate parties to have input in

the formulation of the response action. If contaminants from the enrolled site have migrated off the enrolled site or are likely to migrate off the enrolled site, as determined by the department, the department shall notify by direct mailing all potentially affected parties, including the city or county in which the potentially affected property is located, and officials in charge of any potentially impacted public water supply and the notified parties shall be given opportunity to comment on proposed response actions. The department may require the participant of an enrolled site to publish public notice in a local newspaper if widespread interest in the site exists or is likely to exist as determined by the department. The department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.

Sec. 79. Section 456A.19, unnumbered paragraphs 1 and 2, Code 2003, are amended to read as follows:

All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on ~~the~~ fish and wildlife activities. Expenditures incurred by the department in carrying on the activities shall be only on authorization by the general assembly.

The department shall by October 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the succeeding year for carrying on ~~the~~ fish and wildlife activities. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

Sec. 80. Section 456A.21, subsections 1 and 2, Code 2003, are amended to read as follows:

1. A forestry management and enhancement fund is created in the state treasury under the department's control. The fund is composed of moneys deposited into the fund pursuant to section 456A.20, moneys appropriated by the general assembly, and moneys available to and obtained or accepted by ~~the division-or~~ the department from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants written by the director of revenue and finance, drawn upon the written requisition of the ~~division~~ department.

Sec. 81. Section 456A.21, subsection 3, paragraph a, Code 2003, is amended to read as follows:

a. Four forestry technicians who shall serve regions of the state as designated by the ~~division~~ department.

Sec. 82. Section 459.102, subsection 29, Code 2003, is amended to read as follows:

29. "Major water source" means a water source that is a lake, reservoir, river, or stream located within the territorial limits of the state, or any marginal river area adjacent to the state, if the water source is capable of supporting a floating vessel capable of carrying one or more persons during a total of a six-month period in one out of ten years, excluding periods of flooding, which has been identified by rules adopted by the commission.

Sec. 83. Section 459.303, subsection 5, paragraph a, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A confinement feeding operation meets threshold requirements under this ~~paragraph~~ subsection if the confinement feeding operation after construction of a proposed confinement feeding operation structure would have a minimum animal unit capacity of the following:

Sec. 84. Section 459.310, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A confinement feeding operation structure shall not be constructed closer than five hundred feet away from the surface intake of an agricultural drainage well. A confinement feeding operation structure shall not be constructed closer than one thousand feet from a wellhead, cistern of an agricultural drainage well, or known sinkhole. However, the department may adopt rules requiring an increased separation distance under this paragraph in order to protect the integrity of a water of ~~this~~ the state. The increased separation distance shall not be more than two thousand feet. If the department exercises its discretion to increase the separation distance requirement, the department shall not

approve an application for the construction of a confinement feeding operation structure within that separation distance as provided in section 459.303.

Sec. 85. Section 459.310, subsection 1, paragraph c, subparagraph (2), Code 2003, is amended to read as follows:

(2) A major water source shall not be constructed, expanded, or diverted, if the major water source as constructed, expanded, or diverted is closer than one thousand feet from a confinement feeding operation structure.

Sec. 86. Section 459.312, subsection 10, paragraph a, subparagraph (2), subparagraph subdivision (b), subparagraph subdivision part (i), Code 2003, is amended to read as follows:

(i) The development of a comprehensive state nutrient budget for the maximum volume, frequency, and concentration of nutrients for each watershed that addresses all significant sources of nutrients in a water of ~~this~~ the state on a watershed basis.

Sec. 87. Section 459.604, subsection 1, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This subsection shall not apply unless the department of ~~natural-resources~~ has previously notified the person of the person's classification as a habitual violator. The department shall notify persons classified as habitual violators of their classification, additional restrictions imposed upon the persons pursuant to their classification, and special civil penalties that may be imposed upon the persons. The notice shall be sent to the persons by certified mail.

Sec. 88. Section 466.5, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When establishing a wetland under this ~~subsection~~ section, the department of agriculture and land stewardship shall be governed by the following requirements:

Sec. 89. Section 481B.5, subsections 2 through 4, Code 2003, are amended to read as follows:

2. The United States list of endangered or threatened native fish and wildlife as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

3. The United States list of endangered or threatened plants as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

4. The United States list of endangered or threatened foreign fish and wildlife as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

Sec. 90. Section 490.825, subsection 3, Code 2003, is amended to read as follows:

3. Sections 490.820 through 490.824 apply both to committees of the board and to ~~their~~ committee members.

Sec. 91. Section 490.1701, subsection 1, Code 2003, is amended to read as follows:

1. Except as provided in this subsection or chapter 504, Code 1989, or chapter 504A, this chapter does not apply to or affect entities subject to chapter 504, Code 1989, or chapter 504A. Such entities continue to be governed by all laws of this state applicable to them before December 31, 1989, as those laws are amended. This chapter does not derogate or limit the powers to which such entities are entitled.

Sec. 92. Section 490A.1508, Code 2003, is amended to read as follows:

490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

Membership interests of a professional limited liability company shall be issued only to individuals who are licensed to practice in any state a profession which the professional limited liability company is authorized to practice. Membership interests of a professional limited liability company shall not at any time be issued in, transferred into, or held in joint tenancy, tenancy in common, or any other form of joint ownership or co-ownership. The Iowa uniform securities Act as provided in chapter 502 shall not be applicable to nor govern any transaction relating to any membership interests of a professional limited liability company.

Sec. 93. Section 504A.100, subsection 2, Code 2003, is amended to read as follows:

2. This chapter shall not apply to any domestic corporation heretofore organized or existing under the provisions of chapter 504, ~~of the Code 1989~~, nor, for a period

of two years from and after July 4, 1965, to any foreign corporation holding a permit under the provisions of said chapter on the said date, unless such domestic or foreign corporation shall voluntarily elect to adopt the provisions of this chapter and shall comply with the procedure prescribed by the provisions of subsection 3 of this section.

Sec. 94. Section 504B.1, Code 2003, is amended to read as follows:

504B.1 CORPORATIONS APPLICABLE.

This chapter shall apply to every corporation organized under chapter 504, Code 1989, or chapter 504A, which corporation is deemed to be a private foundation as defined in section 509 of the Internal Revenue Code, which is incorporated in the state of Iowa after December 31, 1969, and as to any such corporation organized in this state before January 1, 1970, it shall apply only for its federal taxable years beginning on or after January 1, 1972.

Sec. 95. Section 504B.6, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Nothing in this chapter shall limit the power of any nonprofit corporation organized under chapter 504, Code 1989, or organized under chapter 504A:

Sec. 96. Section 514.1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A for the purpose of establishing, maintaining, and operating a nonprofit hospital service plan, whereby hospital service may be provided by the corporation or by a hospital with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each subscriber to hospital service; or a corporation organized for the purpose of establishing, maintaining, and operating a plan whereby health care service may be provided at the expense of this corporation, by licensed physicians and surgeons, dentists, podiatric physicians, osteopathic physicians, osteopathic physicians and surgeons or chiropractors, to subscribers under contract, entitling each subscriber to health care service, as provided in the contract; or a corporation organized for the purpose of establishing, maintaining, and operating a nonprofit

pharmaceutical service plan or optometric service plan, whereby pharmaceutical or optometric service may be provided by this corporation or by a licensed pharmacy with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each subscriber to pharmaceutical or optometric service; shall be governed by this chapter and is exempt from all other provisions of the insurance laws of this state, unless specifically designated in this chapter, not only in governmental relations with the state but for every other purpose, and additions enacted after ~~the-effective-date-of this-chapter~~ July 1, 1939, shall not apply to these corporations unless they are expressly designated in the additions.

Sec. 97. Section 514.2, Code 2003, is amended to read as follows:

514.2 INCORPORATION.

Persons desiring to form a nonprofit hospital service corporation, or a nonprofit medical service corporation, or a nonprofit pharmaceutical or optometric service corporation shall incorporate under the provisions of chapter 504, Code 1989, or chapter 504A, as supplemented and amended herein and any acts amendatory thereof.

Sec. 98. Section 514.5, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A hospital service corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A may enter into contracts for the rendering of hospital service to any of its subscribers with hospitals maintained and operated by the state or any of its political subdivisions, or by any corporation, association, or individual. Such hospital service corporation may also contract with an ambulatory surgical facility to provide surgical services to the corporation's subscribers. Hospital service is meant to include bed and board, general nursing care, use of the operating room, use of the delivery room, ordinary medications and dressings and other customary routine care. Ambulatory surgical facility means a facility constructed and operated for the specific purpose of providing surgery to patients admitted to and discharged from the facility within the same day.



Sec. 99. Section 537.1303, subsection 10, Code 2003, is amended to read as follows:

10. "Pursuant to a credit card". Section 537.1301, subsection ~~17~~ 16.

Sec. 100. Section 542.7, subsection 8, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The board, by rule, shall require as a condition ~~to~~ of renewal of a permit to practice as a certified public accounting firm, that an applicant undergo, no more frequently than once every three years, a peer review conducted in such manner as the board specifies. The review shall include a verification that any individual in the firm who is responsible for supervising attest and compilation services and who signs or authorizes someone to sign the accountant's report on a financial statement on behalf of the firm meets the competency requirements set forth in the professional standards for such services.

Sec. 101. Section 542.8, subsection 17, Code 2003, is amended to read as follows:

17. The board, by rule, shall require as a condition ~~to~~ of renewal of a permit to practice as a licensed public accounting firm, that an applicant undergo, no more frequently than once every three years, a peer review conducted in such manner as the board specifies. The review shall include verification that any individual in the firm who is responsible for supervising compilation services and who signs or authorizes someone to sign the accountant's report on a financial statement on behalf of the firm meets the competency requirements set forth in the professional standards for such services. Such rules shall include reasonable provision for compliance by an applicant showing that the applicant, within the preceding three years, has undergone a peer review that is a satisfactory equivalent to the peer review required under this subsection. An applicant's completion of a peer review program endorsed or supported by the national society of accountants, or other substantially similar review as determined by the board, satisfies the requirements of this subsection.

Sec. 102. Section 544B.1, subsection 2, Code 2003, is amended to read as follows:

2. ~~The-~~practice "Practice of landscape architecture" means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

Sec. 103. Section 554.9706, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. if the initial financing statement is filed before July 1, 2001, for the period provided in ~~former~~ section 554.9403, Code 2001, with respect to a financing statement; and

Sec. 104. Section 554.11103, Code 2003, is amended to read as follows:

554.11103 TRANSITION TO THIS CHAPTER AS AMENDED -- GENERAL RULE.

Transactions validly entered into after July 4, 1966, and before January 1, 1975, which were subject to the provisions of this chapter prior to amendment and which would be subject to this chapter as amended if they had been entered into on or after January 1, 1975, and the rights, duties and interests

flowing from such transactions remain valid after January 1, 1975, and may be terminated, completed, consummated or enforced as required or permitted by this chapter as amended. Security interests arising out of such transactions which are perfected on January 1, 1975, shall remain perfected until they lapse or are terminated as provided in this chapter as amended, and may be continued as permitted by this chapter as amended,~~7-except-as-stated-in-section-554-11105.~~

Sec. 105. Section 616.10, Code 2003, is amended to read as follows:

616.10 INSURANCE COMPANIES.

Insurance companies may be sued in any county in which their principal place of business is kept, or in which the contract of insurance was made, or in which the loss insured against occurred, or, in case of insurance against death or disability, in the county of the domicile of the insured at the time the loss occurred, or in the county of plaintiff's residence. As used in this section the term "insurance companies" includes nonprofit hospital service corporations and nonprofit medical service corporations which have incorporated under the provisions of chapter 504, Code 1989, or chapter 504A.

Sec. 106. Section 618.5, Code 2003, is amended to read as follows:

618.5 PERMISSIBLE SELECTION.

Publications may be made in a newspaper published at least once a week ~~or oftener~~.

Sec. 107. Section 618.9, Code 2003, is amended to read as follows:

618.9 DAYS OF PUBLICATION.

When the publication is in a newspaper which is published ~~oftener than~~ more than once a week, the succeeding publications of such notice shall be on the same day of the week as the first publication. This section shall not apply to any notice for the publication of which provision inconsistent herewith is specially made.

Sec. 108. Section 633.63, subsection 3, Code 2003, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504, Code 1989, or chapter 504A is qualified to act as a

guardian, as defined in section 633.3, subsection 20, or a conservator, as defined in section 633.3, subsection 7, where the assets subject to the conservatorship at the time when such corporation is appointed conservator are less than or equal to seventy-five thousand dollars and the corporation does not possess a proprietary or legal interest in an organization which provides direct services to the individual.

Sec. 109. Section 633.4214, subsection 3, paragraph c, Code 2003, is amended to read as follows:

c. This subsection does not apply to the following:

(1) A power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as defined in section 2056(b)(5) or 2523(e) of the Internal Revenue Code of 1986, ~~that~~ was previously allowed.

(2) A trust that may be revoked or amended by the settlor.

(3) A trust, if contributions to the trust ~~which~~ qualify for an annual exclusion under section 2503(c) of the Internal Revenue Code of 1986.

Sec. 110. Section 637.601, unnumbered paragraph 1, Code 2003, is amended to read as follows:

For purposes of this ~~section~~ subchapter:

Sec. 111. Section 637.605, subsection 2, Code 2003, is amended to read as follows:

2. The trustee appoints a disinterested person who, in ~~its~~ the person's sole discretion, but acting in a fiduciary capacity, determines for the trustee the method to be used in determining the fair market value of the trust, and which assets, if any, are to be excluded in determining the unitrust amount.

Sec. 112. Section 656.2, subsection 2, paragraph a, unnumbered paragraph 11, Code 2003, is amended to read as follows:

The request for notice shall be indexed ~~pursuant-to-section~~ 558.50.

Sec. 113. Section 709.19, subsection 1, Code 2003, is amended to read as follows:

1. Upon the filing of an affidavit by a victim, or a parent or guardian on behalf of a minor who is a victim, of a crime ~~of~~ that is a sexual offense in violation of section 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,

709.15, or 709.16, which that states that the presence of or contact with the defendant whose release from jail or prison is imminent or who has been released from jail or prison continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family, the court shall enter a temporary no-contact order which shall require the defendant to have no contact with the victim, persons residing with the victim, or members of the victim's immediate family.

Sec. 114. Section 717D.1, Code 2003, is amended to read as follows:

717D.1 DEFINITIONS.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate.
2. "Contest animal" means a bull, bear, chicken, or dog.
3. "Contest device" means equipment designed to enhance a contest animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness.
4. "Contest event" means a function organized for the entertainment or profit of spectators where a contest animal is injured, tormented, or killed, if the contest animal is a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.
5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether a contest animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.
6. "Livestock" means the same as defined in section 717.1.
7. "Local authority" means the same as defined in section 717B.1.
8. "Promoter" means a person who charges admission for entry into an establishment or organizes, holds, advertises, or otherwise conducts a contest event.
9. "Spectator" means a person who attends an establishment for purposes of witnessing a contest event.
10. "Trainer" means a person who trains a contest animal for purposes of engaging in a contest event, regardless of

where the contest event is located. A trainer includes a person who uses a contest device.

11. "Transporter" means a person who moves a contest animal for delivery to a training location or a contest event location.

Sec. 115. Section 802.5, Code 2003, is amended to read as follows:

802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

If the ~~period~~ periods prescribed in sections 802.3 and 802.4 ~~has~~ have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Sec. 116. Section 805.8A, subsection 3, paragraph e, Code 2003, is amended to read as follows:

e. For a violation of section 321.430, the scheduled ~~violation~~ fine is thirty-five dollars.

Sec. 117. Section 805.8A, subsection 4, paragraph b, Code 2003, is amended to read as follows:

b. For a violation of section 321.216, the scheduled ~~violation~~ fine is seventy-five dollars.

Sec. 118. Section 805.8A, subsection 10, paragraph b, Code 2003, is amended to read as follows:

b. For a violation under section 321.372, subsection 3, the scheduled ~~violation~~ fine is one hundred dollars.

Sec. 119. Section 809A.14, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Notice of the issuance of a temporary restraining order and an opportunity for a hearing shall be given to persons known to have an interest in the property. A hearing shall be held at the earliest possible date in accordance with ~~R.C.P.-326~~ rule of civil procedure 1.1507, and shall be limited to the following issues:

Sec. 120. Section 907B.2, Article I, subsection 7, Code 2003, is amended to read as follows:

7. MEMBER. "Member" means the commissioner of a compacting state or a designee, who shall be a person officially connected with the commissioner.

Sec. 121. Section 907B.2, Article IV, subsection 10, Code 2003, is amended to read as follows:

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same.

Sec. 122. Section 907B.2, Article VII, subsection 7, paragraph j, Code 2003, is amended to read as follows:

j. Mediation, arbitration and dispute resolution. The existing rules governing the operation of the previous compact superseded by this ~~Act~~ compact shall be null and void twelve months after the first meeting of the interstate commission created hereunder.

Sec. 123. 2002 Iowa Acts, chapter 1017, section 4, is amended to read as follows:

SEC. 4. Section 331.602, subsection 13, Code Supplement 2001, is amended by striking the subsection.

Sec. 124. 2002 Iowa Acts, chapter 1093, section 3, is amended by striking the section and inserting in lieu thereof the following:

SEC. 3. Section 166D.10, subsection 4, paragraph b, subparagraph (2), subparagraph subdivision (a), unnumbered paragraph 1, Code 2001, is amended to read as follows:

Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. ~~A statistical-sampling-of-the-swine-moved-into-a-herd-as provided-in-this-subparagraph-shall-be-tested-using-a differentiable-test-within-thirty-days-after-the-swine-is moved-to-a-herd-in-this-state.--If-a-swine-reacts-positively to-the-test, the-herd-is-an-infected-herd.~~ A person is not required to vaccinate swine prior to moving swine into the stage II county ~~or-test-the-swine-after-the-swine-has-been moved-to-a-herd-in-the-stage-II-county~~, if one of the following applies:

Sec. 125. 2002 Iowa Acts, chapter 1119, section 108, is amended to read as follows:

SEC. 108. Section 229.26, Code Supplement 2001, is amended by striking the words "third edition,".

Sec. 126. 2002 Iowa Acts, chapter 1132, section 9, is amended by striking the section and inserting in lieu thereof the following:

SEC. 9. Section 368.11, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

At least ~~ten~~ fourteen business days before a petition for involuntary annexation is filed as provided in this section, the petitioner shall make its intention known by sending a letter of intent by certified mail to the council of each city whose urbanized area contains a portion of the territory, the board of supervisors of each county which contains a portion of the territory, the regional planning authority of the territory involved, each affected public utility, and to each property owner listed in the petition. The written notification shall include notice that the petitioners shall hold a public meeting on the petition for involuntary annexation prior to the filing of the petition.

Sec. 127. 2002 Iowa Acts, chapter 1140, section 28, is amended by striking the section and inserting in lieu thereof the following:

SEC. 28. Section 285.12, Code Supplement 2001, is amended to read as follows:

285.12 DISPUTES -- HEARINGS AND APPEALS.

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal ~~the same~~ to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the agency board to the director of the department of education by notifying the



opposite party and the agency administrator in writing within five days after receipt of notice of the decision of the agency board and by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board. The agency administrator shall, within ten days of said receipt of the notice, file with the director all records and papers pertaining to the case, including action of the agency board. The director shall hear the appeal within fifteen days of the filing of the records in the director's office, notifying all parties and the agency administrator of the date and time of hearing. The director shall ~~forthwith decide the same and~~ notify all parties of the decision and return all papers with a copy of the decision to the agency administrator. The decision of the director shall be subject to judicial review in accordance with ~~the terms of the Iowa administrative procedure Act~~ chapter 17A. Pending final order made by the director, upon any appeal prosecuted to such director, the order of the agency board from which the appeal is taken shall be operative and be in full force and effect.

Sec. 128. 2002 Iowa Acts, chapter 1149, section 2, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. Section 137F.6, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For a farmers market where potentially hazardous food is sold or distributed, one seasonal license fee of one hundred dollars for each vendor on a countywide basis.

Sec. 129. 2002 Iowa Acts, chapter 1175, section 41, the bill section amending clause, is amended to read as follows:

Section 546.10, subsection 3, unnumbered paragraph 2, if enacted by 2002 Iowa Acts, Senate File 2326, section 32, is amended to read as follows:

Sec. 130. 2001 Iowa Acts, chapter 55, section 31, is amended by striking the section and inserting in lieu thereof the following:

SEC. 31. Section 502.102, subsection 11, paragraph c, subparagraphs (3) and (4), Code 2001, are amended to read as follows:

(3) An attorney licensed to practice law in this state, a certified public accountant licensed pursuant to chapter ~~542C~~ 542D, a professional engineer licensed pursuant to chapter 542B, or a certified teacher, if the person's performance of these services is solely incidental to the practice of the person's profession.

(4) An attorney licensed to practice law in this state or a certified public accountant licensed pursuant to chapter ~~542C~~ 542D who does not do any of the following:

(a) Exercise investment discretion regarding the assets of a client or maintain custody of the assets of a client for the purpose of investing the assets, except when the person is acting as a bona fide fiduciary in a capacity such as an executor, administrator, trustee, estate or trust agent, guardian, or conservator.

(b) Accept or receive directly or indirectly any commission, fee, or other remuneration contingent upon the purchase or sale of any specific security by a client of such person.

(c) Provide advice regarding the purchase or sale of specific securities. However, this subparagraph subdivision (c) shall not apply when the advice about specific securities is based on a financial statement analysis or tax considerations that are reasonably related to and in connection with the person's profession.

Sec. 131. Sections 513C.3, 514E.1, 514I.1 through 514I.9, and 514I.11, Code 2003, are amended by striking the term "HAWK-I" and inserting in lieu thereof the term "hawk-i". The Code editor is directed to replace the term "HAWK-I" with the term "hawk-i" in any other statute contained in the 2003 Code or which is amended or enacted in other legislation enacted during the 2003 Session of the 80th General Assembly. The Code editor is further directed to make the same replacement in statutes appearing in any legislation that was enacted prior to the 2003 Session of the 80th General Assembly, but that will be codified on or after the effective date of this Act.

Sec. 132. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

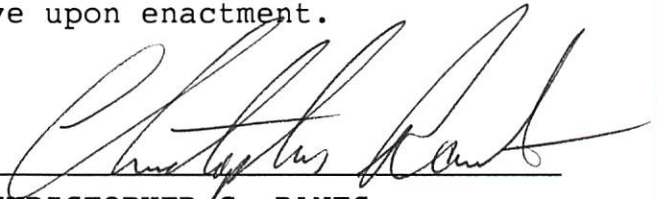
1. The amendment in this Act to section 29A.90, subsection 3, Code 2003, is retroactively applicable to April 22, 2002.

2. The section of this Act amending 2002 Iowa Acts, chapter 1093, section 3, takes effect upon enactment and is retroactively applicable to April 8, 2002.

3. The sections of this Act amending 2002 Iowa Acts, chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132, section 9, take effect upon enactment and are retroactively applicable to July 1, 2002.


4. The sections of this Act amending 2002 Iowa Acts, chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149, section 2, take effect upon enactment and are retroactively applicable to May 2, 2002.

5. This section is effective upon enactment.

  
CHRISTOPHER C. RANTS  
Speaker of the House

  
MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 171, Eightieth General Assembly.

  
MARGARET THOMSON  
Chief Clerk of the House

Approved May 2, 2003

  
THOMAS J. VILSACK  
Governor